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House bill

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#522

HOUSE BILL No. 1091 [Ses. 1862-'63.]

Presented by Military Committee.

W. W. Holden, Printer to the State.

A BILL CONCERNING A PUBLIC POLICE.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That immediately after the passage of this act, the Governor shall issue orders to the Colonels or commanding officers of Militia regiments, in all places where he may think it necessary, requiring them to enroll, by company districts, all free white males between the ages of eighteen and sixty years, who shall be capable of performing the duties imposed by this act; and the men so enrolled shall constitute the Public Police company for each Captain's district; and immediately after enrollment the colonel or commanding officer shall cause them to assemble in each district at the usual place of militia muster, and elect a captain, first, second and third lieutenants of police, who shall have the same command and authority over their respective companies, as are had and exercised by like officers of the militia; and each captain may appoint four sergeants and four corporals. And the colonel or commanding officer of the regiment shall have and exercise the like command and authority over the companies of Public Police within his district, as is conferred upon him by law in respect to the militia.

SEC. 2. *Be it further enacted,* That it shall be the duty of this Public Police, to keep good order in their districts, by promptly suppressing all unlawful acts, whether by slaves or free persons, by preventing or dispersing all un-

5 lawful assemblies, by vigilant care that the laws of the
6 State concerning slaves and free persons of color are kept,
7 and by arresting all suspicious characters, and requiring
8 them to give a satisfactory account of themselves: and for
9 this purpose it shall be the duty of each commanding offi-
10 cer of a regiment to cause to be detailed from each compa-
11 ny of Public Police one-fourth of its strength in officers
12 and men for duty each week, and under the command of
13 the ranking officer so detailed, they shall thoroughly pa-
14 trol their district both by night and by day, in squads or
15 by reliefs, as the officer in charge may deem best: *Pro-*
16 *vided*, such squads or reliefs shall not number less, at any
17 time, than five men and one commissioned or non-commis-
18 sioned officer.

SEC. 3. *Be it further enacted*, That the Colonel or com-
2 manding officer within his district, and the Captain within
3 his, shall have power to call out the whole force at any
4 time he may deem necessary; and in counties where there
5 are two or more regiments, the senior Colonel may, at his
6 discretion, call out the whole police force of the county.

SEC. 4. *Be it further enacted*, That each member of a
2 Police company shall have a good serviceable rifle, shot-
3 gun or musket, to be furnished by himself, if he have
4 one, and in case of a deficiency of guns in any company,
5 the same shall be furnished by the Governor upon requi-
6 sition of the commanding officer of the regiment; and also
7 suitable ammunition to be issued by him to the several
8 companies whenever it may be necessary.

SEC. 5. *Be it further enacted*, That each officer and man
2 shall receive fifty cents per day for the time he is actually
3 on duty during each month, and the same shall be paid
4 monthly by the commanding officer of the regiment, upon
5 pay rolls or certificates of the Captains of the companies,
6 setting forth the number of days' service actually per-
7 formed in the preceding month.

SEC. 6. *Be it further enacted*, That no person within the
2 ages aforesaid, capable of performing the duties imposed

3 by this act, shall be exempted, nor shall substitutes be re-
4 ceived; but, in case of manufacturing establishments,
5 which now have contracts with the Confederate or State
6 government, the operatives therein may not be required
7 to perform the ordinary weekly tour of duty, upon pay-
8 ment to the commanding officer of the regiment of fifty
9 cents for each day's duty required of him during the week;
10 but in all cases where the whole police force of any Cap-
11 tain's district shall be called out, such operatives shall not
12 be excused from personal service. And the sums thus re-
13 ceived shall be applied in payment for services actually
14 rendered.

SEC. 7. *Be it further enacted*, That the commanding of-
2 ficer of each regiment shall act as pay-master for his com-
3 mand, and shall make monthly requisitions upon the Gov-
4 ernor for the necessary sums of money; and he shall be
5 required to give bond, with security, payable to the State
6 of North-Carolina, in such sum as the Governor may judge
7 sufficient, conditioned for the faithful disbursement of all
8 sums of money which may come into his hands, either
9 upon requisitions or from the services mentioned in the
10 foregoing section. And two hundred thousand dollars, or
11 so much thereof as may be necessary for the purposes of
12 this act, are hereby appropriated out of the Public
13 Treasury.

SEC. 8. *Be it further enacted*, That service in the pub-
2 lic police shall not be construed to exempt any person
3 from any military duty he may owe to the Confederate
4 States or this State, except the ordinary militia duty, for
5 the time being, under the laws of this State.

SEC. 9. *Be it further enacted*, That any person, whether
2 officer or private, who shall wilfully or negligently refuse
3 or fail to obey an order lawfully given, or perform any act
4 lawfully required, shall be reported to the commanding of-
5 ficer of the regiment, whose duty it shall be to notify him
6 to appear before three justices of the peace for the county,
7 at a certain place, and upon a certain day, who shall ex-

8 amine into the charges, and if they shall be found true,
9 they shall have power to punish the offender, by fine and
10 imprisonment; and, in case of wilful and persistent dis-
11 bedience of order, or wilful and persistent neglect of duty,
12 the said Justices, upon finding the facts, deliver the offen-
13 der to the commanding officer of the regiment, whose duty
14 it shall be to deliver him to the Governor or Adjutant
15 General, and he shall be transferred to some company in
16 the Confederate service, as a conscript, without respect to
17 his age or other matter whereby he might be exempt under
18 ordinary circumstances.

SEC. 10. *Be it further enacted*, That the Governor shall
2 cause a sufficient number of copies of this act to be print-
3 ed, and he shall, with his orders provided for in the first
4 section, transmit ten copies thereof to the commanding of-
5 ficer of the regiment.

SEC. 11. *Be it further enacted*, That this act shall be in
2 force from and after its ratification.

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